

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
AKHMED GADZHIEVICH BILALOV,

Plaintiff,

-against-

HERMAN GREF, SBERBANK CIB USA, INC.,  
SBERBANK OF RUSSIA PJSC,

Defendants.

ANALISA TORRES, District Judge:

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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20 Civ. 9153 (AT)

**ORDER**

The Court has reviewed Plaintiff's request for leave to file a third amended complaint adding the Russian Federation as a Defendant, ECF No. 90, and Defendants' letter opposing that request and requesting additional time to draft a more complete response, ECF No. 91.

District courts may deny leave to amend a complaint under Federal Rule of Civil Procedure 15(a), "for good reason, including futility, bad faith, undue delay, or undue prejudice to the opposing party." *TechnoMarine SA v. Giftports, Inc.*, 758 F.3d 493, 505 (2d Cir. 2014) (citation omitted). Courts in this Circuit generally allow a party to amend its pleadings "in the absence of a showing by the nonmovant of prejudice or bad faith." *Block v. First Blood Assocs.*, 988 F.2d 344, 350 (2d Cir. 1993). But, "the longer the period of an unexplained delay, the less will be required of the nonmoving party in terms of a showing of prejudice." *Id.* (citation omitted).

Here, the Court agrees with Defendants that denial of leave to amend is warranted. Plaintiff brings this request to amend his second amended complaint over ten months after Defendants filed their motions to dismiss and almost six months after briefing on those motions was completed. *See* ECF Nos. 58, 61. Plaintiff provides no explanation for this delay, and states that he will allege no new facts in support of his claims. *See* ECF No. 90. In response, Defendants argue that Plaintiff's proposed amended complaint would prejudice them by significantly delaying the resolution of the dispute. *See* ECF No. 91.

The Court finds that allowing Plaintiff to amend his complaint at this time would result in an undue delay that would prejudice Defendants and may ultimately prove futile based on the Court's resolution of Defendants' motions to dismiss. The Court shall address Plaintiff's ability to make any potential amendments to his second amended complaint in that order. Accordingly, Plaintiff's request to file a third amended complaint is DENIED.

The Clerk of Court is directed to terminate the motions at ECF Nos. 90 and 91. Additionally, Defendants Herman Gref and Sberbank of Russia PJSC's request for oral argument on their motion to dismiss is DENIED.

SO ORDERED.

Dated: July 22, 2022  
New York, New York



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ANALISA TORRES  
United States District Judge